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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,920	10/30/2001	Paul P. Donohue	124-884	5949
7590		12/03/2004	EXAMINER	
Nixon & Vanderhye		ANYA, IGWE U		
8th Floor		ART UNIT		
1100 North Glebe Road		PAPER NUMBER		
Arlington, VA 22201-4714		2825		

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,920

Applicant(s)

DONOHUE ET AL.

Examiner

Igwe U. Anya

Art Unit

2825

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-37 is/are allowed.
- 6) ☒ Claim(s) 38,40,41,44 and 45 is/are rejected.
- 7) ☒ Claim(s) 39,42 and 43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/6/01, 11/30/01.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 42 and 43 are objected to because of the following informalities: "said depositing means", and "said second layer" in claim 42 lines 1, 2 lack antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 38, 40, 41, 44, and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Livshits et al. (WO 97/17164).
4. Livshits et al. teach an apparatus (fig. 4) comprising (page 11, Example 3):
 - a pulse laser generating means (1) for generating a pulse of energy having a first temporal width;
 - a pulse extending means (2) for extending said first temporal pulse width of said pulse to provide a processed pulse of greater temporal width;
 - a guide means (4) for guiding said processed pulse of energy onto a layer (5);
 - wherein said laser has a wavelength in the ultraviolet spectrum (pg 11 line 2, and pg, 1 line 3); and

wherein said pulse extender is adapted to increase said temporal pulse width of said first pulse by substantially at least two times (col. 6 lines 3 – 6).

5. The examiner has not given any consideration to the limitation “capable of existing in a perovskite phase” in the preamble. Capable to perform a function is not a positive limitation, but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison, 69 USPQ 138.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Livshits et al. (WO 97/17164) in view of Daly et al. (US Patent 5337333).

9. Livshits et al. teach the features previously outlined, but lack the pulse extender adapted to produce a processed pulse that comprises a plurality of sub-pulses.

10. However, Daly et al. teach a pulse extender adapted to produce a processed pulse that comprises a plurality of sub-pulses (figs. 2, 3, & col. 4 line 56 – col. 5 line 33).

11. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Daly et al into the Livshits et al. reference to format the output beam in adaptation to need. Provision of adjustability, where needed, involves only routine skill in the art.

12. Claim 39 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Claims 24 – 37 are allowable, because prior art does not teach stretching pulsed energy duration, using the stretched pulse to anneal a layer to convert the layer into a ferroelectric state without exceeding thermal budget of underlying circuitry.

14. Prior art considered, but not used in the rejection include Cheung (US Patent 4701592), Horton (US Patent 5309456), Howard (US Patent 4437139), Krause (US Patent 4645547), Livshits (US Patent 6125099), Tournois (US Patent 5602677), Tharkoor (US Patent 5372859), and Izumi et al. (US Patent 6137553).

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igwe U. Anya whose telephone number is (571) 272-1887. The examiner can normally be reached on M - F 8:30am - 5:00pm.

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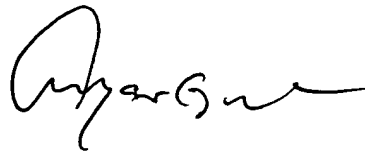
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Smith can be reached on (571) 272-1907. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Igwe U. Anya
Examiner
Art Unit 2825

IA

November 15, 2004

A handwritten signature in black ink, appearing to read 'Igwe U. Anya', with a stylized flourish at the end.